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October 30, 2020

VIA CM/ECF & EMAIL

The Honorable Victor Marrero (chambersnysdmarrero@nysd.uscourts.gov)
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *National Coalition on Black Civil Participation et al. v. Wohl et al.*, United States District Court, Southern District of New York, Case No. 1:20-cv-08668

Dear Judge Marrero:

As a follow up to this morning's call, and in accordance with this Court's directive, Defendants' Counsel conferred with Plaintiffs' counsel.

Plaintiffs' counsels' position is that the Court's order inset below should not be modified.

ORDERED that Defendants shall send, or authorize an appropriate third party to send, a robocall message (the "Curative Message") informing the recipients of the original robocall message discussed in this Decision and Order (the "Prior Robocall") of this Court's findings regarding that call. The Curative Message shall be issued to all recipients of the Prior Robocall and shall state only the following:

"At the direction of a United States district court, this call is intended to inform you that a federal court has found that the message you previously received regarding mail-in voting from Project 1599, a political organization founded by Jack Burkman and Jacob Wohl, contained false information that has had the effect of intimidating voters, and thus interfering with the upcoming presidential election, in violation of federal voting-rights laws."

Without rehashing objections made on the record, Defendants' counsels' position is that in order to comply with the Court's order, the following modification should be considered by the court. We would note that Your Honor has indicated a willingness to consider such changes and thank you for same:

"At the direction of a United States district court, this call is intended to inform you that a federal court has found that the message you previously received regarding mail-in voting from

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Project 1599, a political organization ~~founded by Jack Burkman and Jacob Wohl~~, contained false information that has had the effect of intimidating voters, and thus interfering with the upcoming presidential election, in violation of federal voting-rights laws.”

This is generally felt to be less prejudicial. Thank you in advance for considering this request. In the interim, our office is identifying Robocall companies. Please advise.

Respectfully Submitted,

/s/ David M. Schwartz

/s/ Randy E. Kleinman

cc: All counsel of record (via ECF)